## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

EUGENE GUILBAULT,	) )
Plaintiff, v.	) ) Civil Action No. ) 15-11733-FDS
THE ESTATE OF GREGORY JASINSKAS, JOSEPH CORBETT, CHARLES GUILBAULT, MASSACHUSETTS STATE POLICE, and TOWN OF AVON,	) ) ) ) )
Defendants.	) ) )

## **ORDER**

## SAYLOR, J.

This is a civil rights action arising out of an incident in which two Massachusetts State

Police Officers fired at plaintiff Eugene Guilbault's vehicle, striking him in the leg. The

amended complaint alleges three causes of action: a claim under 42 U.S.C. § 1983 for excessive

force in violation of the Fourth Amendment (Count One); a claim for common-law battery

(Count Two); and a § 1983 claim for failure to train and supervise (Count Three).

On September 16, 2015, this Court entered an order (Docket No. 27) dismissing Counts One and Three against all defendants, and dismissing Count Two against the Estate of Gregory Jasinskas. The sole remaining claim is the Massachusetts common-law battery claim against defendant Joseph Corbett in Count Two.

If a "district court has dismissed all claims over which it has original jurisdiction," it "may decline to exercise supplemental jurisdiction . . . ." 28 U.S.C. § 1367. "It has consistently

Case 1:15-cv-11733-FDS Document 28 Filed 09/17/15 Page 2 of 2

been recognized that [supplemental] jurisdiction is a doctrine of discretion, not of plaintiff's

right." United Mine Workers of America v. Gibbs, 383 U.S. 715, 726 (1966). "Certainly, if the

federal claims are dismissed before trial, even though not insubstantial in a jurisdictional sense,

the state claims should be dismissed as well." Id. Because the federal claims have been

dismissed, the Court will decline to exercise its supplemental jurisdiction the remaining state

claim. Therefore, Eugene Guilbault's claims arising under Massachusetts law will be dismissed

without prejudice.

Accordingly, this case is hereby DISMISSED.

So Ordered.

/s/\_\_F. Dennis Saylor\_\_\_

F. Dennis Saylor IV

United States District Judge

Dated: September 17, 2015